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# Mendel Biotechnology, Inc.

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To: U.S. PATENT AND TRADEMARK OFFICE  
ATTN: AF  
Examiner: C. Collins      Group Art Unit: 1638

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From: Jeffrey M. Libby, Ph.D.

Date: October 9, 2003

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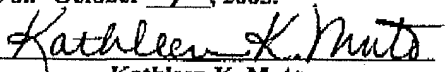
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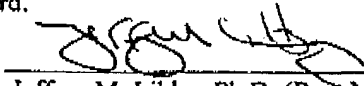
  
Kathleen K. Muto

OUR DOCKET NO.: MBI-0034  
APPLICATION NO.: 09/823,676  
FILED: March 30, 2001

### Enclosures:

1. Transmittal (1 pg.);
2. Fee Transmittal (1 pg.);
3. Revocation of Power of Attorney and New Power of Attorney (2 pgs.); and
1. Statement Under 37 CFR 3.73(b) (1 pg.).

Thank you for your courtesy in this regard.

  
Jeffrey M. Libby, Ph.D. (Reg. No. 48,251)

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0851-0031

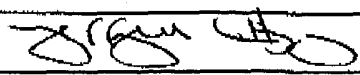
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/823,676	
	Filing Date	03/30/2001	
	First Named Inventor	JIANG, Cai-Zhong	
	Group Art Unit	1638	
	Examiner Name	C.E. Collins	
Total Number of Pages in This Submission	6	Attorney Docket Number	MBI-0034

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet (1 pg.); Statement Under 37 CFR 3.73(b) (1 pg.).
Remarks		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Jeffrey M. Libby, Ph.D., Reg. No. 48,251 Mendel Biotechnology, Inc. 21375 Cabot Blvd., Hayward, California 94545
Signature	
Date	October 8, 2003

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: _____	
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Signature	_____
Date	_____

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PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032  
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**FEE TRANSMITTAL  
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)-0-

**Complete If Known**

Application Number	09/823,676
Filing Date	March 30, 2001
First Named Inventor	JIANG, Cai-Zhong
Examiner Name	Cynthia E. Collins
An Unit	1638
Attorney Docket No.	MBI-0034

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number	50-1025
Deposit Account Name	Mendel Biotechnology, Inc

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
9	-20** = 0	X	0.00
5	-3** = 0	X	0.00
Multiple Dependent			

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	16	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	16	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)-0-

**SUBMITTED BY**

Name (Print/Type) Jeffrey M. Libby, Ph.D.

Registration No. 48,251  
(Attorney/Agent)

(Complete if applicable)

Telephone 510-259-6138

Signature

Date October 8, 2003

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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Alexandria, VA 22313-1450 at FAX NO.: (703) 878-9807 on October 9, 2003.

Dated: 10-9-03

Signature: *Kathleen L. Shuto*Docket No.: 514442001600  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Cai-Zhong JIANG

Application No.: 09/823,676

Group Art Unit: 1638

Filed: March 30, 2001

Examiner: C. Collins

For: METHOD FOR MODIFYING PLANT  
BIOMASSREVOCATION OF POWER OF ATTORNEY  
AND NEW POWER OF ATTORNEYMAIL STOP: AF  
Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned having, on or about July 2001, appointed Wiley, Rein & Fielding, LLP, of 1776 K. Street, N.W., Washington, D.C. 20006, as our attorneys to prosecute an application for Letters Patent, which application was filed on March 30, 2001, for an invention entitled METHOD FOR MODIFYING PLANT BIOMASS, Application No. 09/823,676, hereby revokes the Power of Attorney then given, and hereby appoints the following attorneys and/or agents to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected herewith:

SF-1577093

Application No.: 09/823,676

2

Docket No.: 514442001600

All practitioners at Customer Number 20872 and Customer Number 25226,  
and the following agents not currently affiliated with the law firm of Morrison & Foerster LLP.:

Jeffrey M. Libby (Reg. No. 48,251)

Please direct all correspondence regarding this application to the following:

MENDEL BIOTECHNOLOGY, INC.  
Attn: Jeffrey M. Libby  
21375 Cabot Boulevard  
Hayward, California 94545  
Telephone: (510) 264-0280  
Fax: (510) 264-0254

For: MENDEL BIOTECHNOLOGY, INC.

NAME William F. Goure

Dated: October 8, 2003

William F. Goure

Oct 8, 2003

TITLE: Vice President, Business Development  
ADDRESS: 21375 Cabot Boulevard  
Hayward, CA 94545

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Cal-Zhong JIANGApplication No./Patent No.: 09/823,676Filed/Issue Date: March 30, 2001Entitled: METHOD FOR MODIFYING PLANT BIOMASSMENDEL BIOTECHNOLOGY, INC.

(Name of Assignee)

, a

Corporation

Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The  
was recorded in the United States Patent and Trademark Office at  
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OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current  
assignee as shown below:

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The document was recorded in the United States Patent and Trademark Office at  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.  
**NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

October 8, 2003

Date

William F. Goure

Typed or printed name

  
SignatureVice President, Business Development

Title

SF-1577155